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# BioMax Environmental

Environmental Consulting and Industrial Hygiene Services

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December 13<sup>th</sup>, 2007

Mr. Lane Webb  
Wilson, Elser, Moskowitz, Edelman & Dicker LLP  
655 West Broadway, Suite 900  
San Diego, CA 92101

**Mitigation Protocol Amendment for 23 South Area**  
**Department of General Services Board of Equalization Building**  
**450 N. Street**  
**Sacramento, California**

Dear Mr. Webb,

In response to a letter prepared by Mr. Kenny K. His, CIH of Hygientech, Inc., addressed to Mr. David Gau entitled Review of Recommended Mitigation Procedures for Floor 23 South Side, dated December 11<sup>th</sup>, 2007 (Hygientech Letter) please note the following:

Item 1: As noted in the Hygientech Letter, it was commented that... *"Removed wall and other building materials should be double-bagged or wrapped in 6-mil polyethylene bags."* BioMax concurs with this statement and assures that such measures have been mandated of JLS and will be required during this activity. In addition, BioMax has previously instructed the mitigation contractor (JLS) that removal of interior furnishings shall include bagging followed by transfer through a controlled decontamination area where a wet wiping procedure of exterior plastic surfaces shall be employed prior to entry into the floor egress point (freight elevator).

Item 2: The Hygientech Letter seeks clarification as to whether ....an *"encapsulant of some type (will) be used post final visual inspection but prior to clearance sampling?"* BioMax's position is that it is fundamental to these procedures that NO encapsulant shall be used prior to the performance of a clearance sampling assessment of the impacted area. Only upon repeated failure of reaching acceptable clearance criteria shall such encapsulation procedures be considered in cooperation and consultation with BOE representatives.

Item 3: The Hygientech Letter asks... *"will surface tape samples be collected in addition to the air samples proposed (for clearance)?"* BioMax's position is that a detailed visual assessment which includes the collection and analysis of a series of airborne spore trap (non-viable) samples shall be utilized as the primary mechanism by which the clearance assessment will be performed. However, additional surface sampling within remaining containment areas and surfaces (particularly within the plenum areas) following the performance of the mitigative effort may be considered, as necessary. BioMax anticipates that technical meetings regarding this particular

matter will be forthcoming wherein detailed clearance criteria are discussed and agreed upon between DGS and BOE representatives prior to implementation.

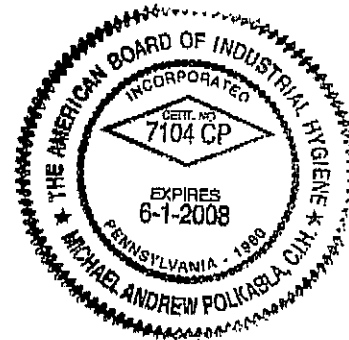
Based on our current understanding of project requirements, the interior ceiling containment structures previously proposed within the 23 South area (item #6 in BioMax's 12/10/07 Report) shall be modified to eliminate the false ceiling barrier specified beneath the ceiling tile level and will now include all areas of the existing plenum space located above the 23 South containment areas. Subsequent cleaning of horizontal plenum surfaces and fixtures utilizing HEPA filtered vacuum equipment shall proceed following the work space area mitigation, removal of acoustic ceiling tile materials (now within containment), and prior to clearance assessment activities. Such measures have been proposed as an additional precautionary measure due to problematic physical limitations anticipated pertaining to the establishment of barriers under the existing ceiling tile level and subsequent control of particulate emissions resultant from the removal of such barriers (and ceiling tiles) following the anticipated clearance.

Please do not hesitate to contact our offices directly at (510) 724-3100 if you have any questions or comments pertaining to this important matter.

Sincerely,



Michael A. Polkavla, CIH, REA  
Vice President, Principal



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## **LIMITATIONS**

Please note that the professional opinions presented in this review are intended for the sole use of the California State Department of General Services (DGS) and their designated beneficiaries. No other party should rely on the information contained herein without the prior written consent of BioMax Environmental and DGS. The professional opinions provided herein are based on BioMax's review and understanding of current site information and observed site conditions present within the areas inspected at the time these services were performed. Professional recommendations provided as part of this limited scope of work are intended for client consideration only and are not intended as a professional or regulatory mandate. Implementation of any of the above measures or recommendations does not, in any way, warrant the day-to-day health and/or safety of building occupants, residents, site workers, nor regulatory or building code compliance status during normal and changing environmental conditions. As microbial contamination, by nature, may change over time due to additional moisture intrusion, favorable growth conditions, and changing environments, the findings of this report are subject to change in the event that such conditions and/or environments arise. Also, the professional opinions expressed here are subject to revision in the event that new or previously undiscovered information is obtained or uncovered.

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These services were performed by BioMax in accordance with generally accepted professional industrial hygiene principals, practices, and standards of care. Under the existing Industrial Hygiene Definition and Registration Act, all reports, opinions or official documents prepared by a Certified Industrial Hygienist (CIH) constitutes an expression of professional opinion regarding those facts or findings which are subject of a certification and does not constitute a warranty or guarantee, either expressed or implied.